

## **REPLY BRIEF**

Katherine R. Vieyra  
Attorney for Appellants  
Registration No. 47,155

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicants:</b>	Hiroshi CHISHIMA	<b>Docket:</b>	17261
<b>Serial No.:</b>	10/717,867	<b>Examiner:</b>	Matthew J. Ludwig
<b>Filed:</b>	November 19, 2003	<b>Art Unit:</b>	2178
<b>For:</b>	FUNCTION EXTENSION TYPE BROWSER, BROWSER COMPONENT PROGRAM AND RECORDING MEDIUM	<b>Dated:</b>	June 26, 2008
<b>Confirm No:</b>	9342		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Sir:

Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated April 29, 2008.

---

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website, on June 26, 2008.

Dated: June 26, 2008

  
Katherine R. Vieyra

## **REPLY TO EXAMINER'S ARGUMENT**

**Reference Does Not Suggest Either a parsing technique utilized with SGML documents OR an application program that enables structured document information to be referred to by a browser.**

The Examiner maintains that Shigemi suggests both an application program, in the form of scripts, and a document parser unit, or parsing, document data into structured document information, as well as an application program that enables structured document information to be referred to by a browser. However, the Examiner fails to provide a showing of a suggestion or motivation for one skilled in the art to modify Shigemi. It has been held by the courts that "Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference...[and the] motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved." *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000).

Shigemi does not provide any suggestion or motivation related to information services that require markup languages or the function extension type browser of the present invention. As the Examiner acknowledges, Shigemi teaches a structured data management system that is a strong tool that totally supports a variety of business activities (column 5, lines 54-56); Shigemi addresses the problem that conventional tools are not suitable for the development and operations of a business support system (column 2, lines 31-34).

In addition, the knowledge of one of ordinary skill in the art does not suggest modifying the structured data management system that processes structured data objects as disclosed by Shigemi to operate with the information services or function extension type browsers of the present invention. Shigemi discloses a business support system for non-routine tasks that change over time. Specifically, Shigemi teaches processing structured data objects

defined as tree structures. Each node of the tree has a script and each node can be processed. In contrast, the claims of appellant's invention recite a function extension type browser in conjunction with an information service. One skilled in the art of data management systems, in particular, processing of tree structures, would not modify such systems to perform browser tasks. For example, data management systems manipulate large amounts of data, while browser systems do not generally perform data management or data manipulation, so that such a modification of a tool that supports business activity to a tool used by a browser would be inapposite.

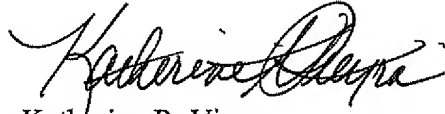
Finally, the nature of the problem to be solved by the present invention is making it possible to cope with information services that require markup languages or meta-information to be extended. No data management services are performed, and data is not manipulated. This problem recognized by the present invention does not motivate one skilled in the art to modify Shigemi in accordance with the present invention.

### **Conclusion**

Based on the above arguments and remarks, Appellant respectfully submits that the claims of the instant invention on appeal are not anticipated or obvious in light of Shigemi. Consequently, the rejection of the claims based on this reference are in error. In view of the remarks submitted hereinabove and in Appellant's Appeal Brief, the reference applied against Claims 1, 3-23, 28 and 29 on appeal do not render those claims unpatentable under 35 U.S.C. § 103(a). Thus, Appellants submit that the §103 rejection is in error and must be reversed.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection herewith to Deposit Account No. 19-1013/SSMP.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Katherine R. Vieyra", written in a cursive style.

Katherine R. Vieyra  
Registration No. 47,155

SCULLY SCOTT MURPHY & PRESSER, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

KRV/jam

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
**17261**

In Re Application Of: **Hiroshi Chishima**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
<b>10/717,867</b>	<b>November 19, 2003</b>	<b>Matthew J. Ludwig</b>	<b>23389</b>	<b>2178</b>	<b>9342</b>

Title: **FUNCTION EXTENSION TYPE BROWSER, BROWSER COMPONENT PROGRAM AND RECORDING MEDIUM**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Reply Brief**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

Dated: **June 26, 2008**

Katherine R. Vieyra  
Reg. No. 47,155  
SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza, Ste 300  
Garden City, NY 11530  
(516) 742-4343  
KRV:jam

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Person Mailing Correspondence

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Correspondence

cc: